



03-07-06

Express Mail Mailing Label No. EV 688845726 US

#3745
ITW

TRANSMITTAL FORM

Application Serial Number	10/659,454
Filing Date	September 10, 2003
First Named Inventor	Buehler
Group Art Unit	2643
Examiner Name	Not yet assigned
Attorney Docket No.	ITV-002
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) <ul style="list-style-type: none">• Petition to Make Special Under 37 C.F.R. 1.102(d)• Copies of U.S. Patents Nos.: 6,813,372 6,456,730 6,061,088 5,305,390• Copy of International Search Report and Written Opinion for corresponding PCT application, serial number: US04/029417
<input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations	<input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Amendment After Allowance	
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	

CORRESPONDENCE ADDRESS

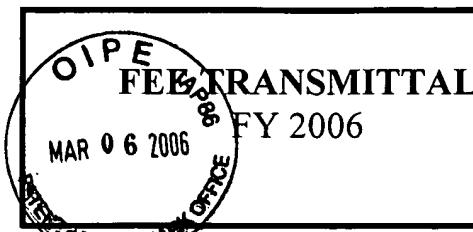
Direct all correspondence to: Patent Administrator
Goodwin Procter LLP
Exchange Place
Boston, MA 02109
Tel. No.: (617) 570-1000
Fax No.: (617) 523-1231
Customer No. 051414

SIGNATURE BLOCK

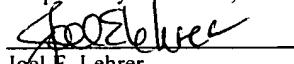
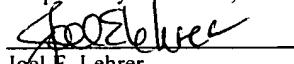
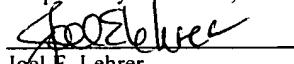
Respectfully submitted,

Date: March 6, 2006
Reg. No. 56,401
Tel. No.: (617) 570-1057
Fax No.: (617) 523-1231

Joel E. Lehrer
Attorney for Applicant
Goodwin Procter LLP
Exchange Place
Boston, MA 02109



Complete if Known	
Application Serial Number	10/659,454
Filing Date	September 10, 2003
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METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																									
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other		3. ADDITIONAL FEES																																																																																																																									
2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 07-1700. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.		<table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>130</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>50</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>130</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>2,520</td><td>2,520</td><td>Request for ex parte reexamination</td><td></td></tr> <tr><td>120</td><td>60</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>450</td><td>225</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1020</td><td>510</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1590</td><td>795</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>2160</td><td>1080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>500</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>500</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1000</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>400</td><td>400</td><td>Petitions to the Commissioner (Gp. I)</td><td></td></tr> <tr><td>200</td><td>200</td><td>Petitions to the Commissioner (Gp. II)</td><td></td></tr> <tr><td>130</td><td>130</td><td>Petitions to the Commissioner (Gp. 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AMENDMENT CLAIM FEES </td> <td colspan="2"> SUBTOTAL (3) (\$ 130.00) </td> </tr> <tr> <td colspan="2"> Claims Remaining After Amend. </td> <td colspan="2"> Highest No. Previously Paid For Present Extra Rate Fee Paid </td> </tr> <tr> <td colspan="2"> Total Indep. </td> <td colspan="2"> - = x \$ 50.00 = - = x \$200.00 = <input type="checkbox"/> First Presentation of Multiple Dep. Claim + \$360.00 = </td> </tr> <tr> <td colspan="2"> TOTAL: SMALL ENTITY DISCOUNT: SUBTOTAL (2) (\$ 0.00) </td> <td colspan="2"> SUBTOTAL (1) 0.00 SUBTOTAL (2) 0.00 SUBTOTAL (3) 130.00 </td> </tr> <tr> <td colspan="2"> CORRESPONDENCE ADDRESS </td> <td colspan="2"> SIGNATURE BLOCK </td> </tr> <tr> <td colspan="2"> Direct all correspondence to: Patent Administrator Goodwin Procter LLP Exchange Place Boston, MA 02109 Tel. No.: (617) 570-1000 Fax No.: (617) 523-1231 Customer No. 051414 </td> <td colspan="2"> Respectfully submitted,  Joel E. Lehrer Attorney for the Applicants Goodwin Procter LLP Exchange Place Boston, MA 02109 </td> </tr> </tbody> </table>		Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	Request for ex parte reexamination		120	60	Extension for reply within first month		450	225	Extension for reply within second month		1020	510	Extension for reply within third month		1590	795	Extension for reply within fourth month		2160	1080	Extension for reply within fifth month		500	250	Notice of Appeal		500	250	Filing a brief in support of an appeal		1000	500	Request for oral hearing		400	400	Petitions to the Commissioner (Gp. I)		200	200	Petitions to the Commissioner (Gp. II)		130	130	Petitions to the Commissioner (Gp. 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Express Mail Mailing Label No. EV 688845726 US

PATENT

Attorney Docket No. ITV-002

(120437/156178)

THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Buehler

SERIAL NO.: 10/659,454 ART UNIT: 2621

FILING DATE: September 10, 2003 EXAMINER: SHERALI, ISHRAT I

TITLE: Method and Apparatus for Computerized Image Background Analysis

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition to Make Special Under 37 C.F.R. 1.102(d)

This paper is being submitted in connection with the patent application identified above. Applicants believe that a fee of \$130 is required for the entry of this Petition. However, please consider this a conditional authorization to charge any other fees necessary for entry of this paper and adjudication of this Petition to Deposit Account No. 01-1700.

1. Applicant hereby requests that the above-referenced patent application be granted special status and that the examination of the application be advanced pursuant to 37 C.F.R. 1.102(d).
2. Applicant respectfully submits that claims 1-30 are directed to a single invention. If, however, the Office determines that all the claims presented are not directed to a single invention, Applicant will make an election without traverse as a prerequisite to the grant of special status.
3. Applicant hereby certifies that a pre-examination search was made of the corresponding PCT application, serial number US04/029417, the claims of which are substantially similar in scope to the claims in the above-referenced patent application.

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01 FC:1464

\$130.00 OP

03/08/2006 MBIZUNES 00000020 10659454

01 FC:1464

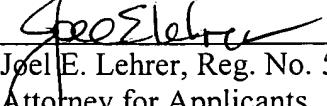
130.00 OP

4. Applicant submits herewith a copy of the International Search Report and Written Opinion as issued by the International Search Authority, and one copy each of the following references, deemed by International Search Authority as the most closely related to the subject matter encompassed by the claims:
 - a. US 6,813,372 to Standridge et al.
 - b. US 6,456,730 to Taniguchi
 - c. US 6,061,088 to Khosravi et al.
 - d. US 5,305,390 to Frey et al.
5. Applicant submits the following statements as required by 37 C.F.R. 1.111(b) and (c) as to how the claimed subject matter is patentable over the cited references.
 - a. Claims 1-18 and 24-29 meet the requirements for patentability because the prior art does not teach or suggest a video surveillance system comprising analysis providing a plurality of classifications each corresponding to one of the background features in the scene and assigning one of the background classifications to at least one of the image regions based at least in part on the location of the object.
 - b. Claims 19-23 and 30 meet the requirements for patentability because the prior art does not teach or suggest a method of video analysis comprising determining a vanishing point for a frame based at least in part on one or more characteristics of the object and the vanishing point of other frames.

Respectfully submitted,

Date: March 6, 2006

Tel. No.: (617) 570-1057
Fax No.: (617) 523-1231



Joel E. Lehrer, Reg. No. 56,401
Attorney for Applicants
Goodwin | Procter LLP
Exchange Place
53 State Street
Boston, Massachusetts 02109

PATENT COOPERATION TREATY

Express Mail Mailing Label No. FV 688845726 US

From the INTERNATIONAL SEARCHING AUTHORITY

RECEIVED

To:
 STEVEN J. FRANK
 TESTA, HURWITZ & THIBEAULT, LLP
 HIGH STREET TOWER
 125 HIGH STREET
 BOSTON, MA 02110

PCT APR 13 2005

GOODWIN PROCTER LLP
 NOTIFICATION OF TRANSMITTAL OF
 THE INTERNATIONAL SEARCH REPORT
 OR THE DECLARATION

(PCT Rule 44.1)

Date of Mailing (day/month/year)

Applicant's or agent's file reference ITV-002PC	FOR FURTHER ACTION See paragraphs 1 and 4 below
--	---

International application No. PCT/US04/29417	International filing date (day/month/year) 09 September 2004 (09.09.2004)
---	---

Applicant INTELLIVID CORPORATION

1. The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34, chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 bis.1 and 90 bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US
 Mail Stop PCT, Attn: ISA/US
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 Facsimile No.

Authorized office

Au, Amelia

Telephone No. 703-308-4750

77611

2004041220

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
 STEVEN J. FRANK
 TESTA, HURWITZ & THIBEAULT, LLP
 HIGH STREET TOWER
 125 HIGH STREET
 BOSTON, MA 02110

M

PCT

**NOTIFICATION OF TRANSMITTAL OF
 THE INTERNATIONAL SEARCH REPORT
 OR THE DECLARATION**

(PCT Rule 44.1)

Date of Mailing
 (day/month/year)

08 APR 2005

Applicant's or agent's file reference FOR FURTHER ACTION See paragraphs 1 and 4 below

ITV-002PC

International filing date
 (day/month/year)

09 September 2004 (09.09.2004)

International application No.
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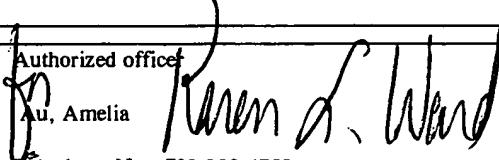
See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Faxsimile No.

Authorized office


 Au, Amelia

Telephone No. 703-308-4750

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference ITV-002PC	FOR FURTHER ACTION	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/US04/29417	International filing date (<i>day/month/year</i>) 09 September 2004 (09.09.2004)	(Earliest) Priority Date (<i>day/month/year</i>) 10 September 2003 (10.09.2003)
Applicant INTELLIVID CORPORATION		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 9 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. Certain claims were found unsearchable (See Box I).

3. Unity of invention is lacking (See Box II).

4. With regard to the title,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the abstract,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. _____

as suggested by the applicant.

None of the figures

because the applicant failed to suggest a figure.

because this figure better characterizes the invention.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/29417

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : G06K 9/00
 US CL : 382/100, 103

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 382/100, 103

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
 EAST, IEEE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A, P	US 6,813,372 B2 (STANDRIDGE et al) 02 November 2004 (02.11.2004), see entire document.	1-30
A	US 6,456,730 B1 (TANIGUCHI) 24 September 2002 (24.09.2002), see entire document.	1-30
A	US 6,061,088 A (Khosravi et al) 09 May 2000 (09.05.2000), see entire document.	1-30
A	US 5,305,390 A (FREY et al) 19 April 1994 (19.04.1994), see entire document.	1-30

Further documents are listed in the continuation of Box C.

See patent family annex.

Special categories of cited documents:	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" document defining the general state of the art which is not considered to be of particular relevance	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E" earlier application or patent published on or after the international filing date	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&"	document member of the same patent family
"O" document referring to an oral disclosure, use, exhibition or other means		
"P" document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search

18 March 2005 (18.03.2005)

Date of mailing of the international search report

08 APR 2005

Name and mailing address of the ISA/US

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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

08 APR 2005

FOR FURTHER ACTION

See paragraph 2 below

Applicant's or agent's file reference

ITV-002PC

International application No.

PCT/US04/29417

International filing date (day/month/year)

09 September 2004 (09.09.2004)

Priority date (day/month/year)

10 September 2003 (10.09.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): G 06K 9/00 and US Cl.: 382/100, 103

Applicant

INTELLIVID CORPORATION

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

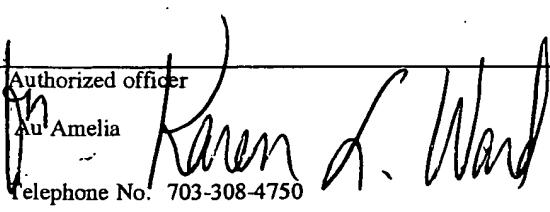
3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/29417

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language ____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing

table(s) related to the sequence listing

b. format of material

in written format

in computer readable form

c. time of filing/furnishing

contained in international application as filed.

filed together with the international application in computer readable form.

furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/29417

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-30</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>1-30</u>	YES
	Claims <u>NONE</u>	NO
Industrial applicability (IA)	Claims <u>1-30</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-18 and 24 -29 meets the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a video comprising analysis providing a plurality of background classifications each corresponding to one of the background features in the scene and assigning one of the background classifications to at least one of the image regions based at least in part on the location of the object.

Claims 19-23 and 30 meets the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a video analysis comprising determining a vanishing point for frame based at least in part on one or more characteristics of the object and the vanishing point of other frames.